



UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/730,742

Conf. No.: 2684

Filed: December 8, 2003

Applicant(s): Piechowiak et al.

Title: **IMPROVED METHOD, SYSTEM
AND APPARATUS FOR OPENING
DOORS**

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Attorney Docket No.: 82986

Customer No.: 22242

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date.

12/8/04
Date

Kenneth H. Samples
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Registration No. 25,747
Attorney for Applicant(s)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sir:

Applicants hereby respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified patent application. The failure to timely file a proper reply to the Notice to File Missing Parts was inadvertent and unintentional.

The application was acquired by The Chamberlain Group, Inc., and the file was transferred to the undersigned firm from the prior attorney Rodney & O'Rourke, L.L.P. The Power of Attorney from Assignee to Fitch, Even, Tabin & Flannery was filed with the United States Patent and Trademark Office on June 21, 2004. Upon review of the transferred file, the undersigned became aware that a Reply to the Notice to File Missing Parts was not timely filed. Although a Notice of Abandonment has not been received for the above-

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identified application by the office of undersigned, Applicants respectfully request to grant this petition and to proceed with the prosecution of the application.

Applicants submit that the entire delay in filing the required reply from the due date for the required reply, May 10, 2004, until the filing of this grantable petition under 37 CFR §1.137(b) was unintentional.

Submitted herewith, in accordance with 37 C.F.R. § 1.137(b), are the following:

- (1) Copy of Notice to File Missing Parts mailed March 10, 2004;
- (2) Response to the Notice to File Missing Parts, including a signed Declaration and Power of Attorney with a late filing fee in the amount of \$130.00, an Assignment from the inventors to The Chamberlain Group, Inc. with recordation fee in the amount of \$40.00, and a Preliminary Amendment;
- (3) Petition fee set forth under 37 C.F.R. §1.17(m) charged to our Deposit account No. 06-1135 in the amount of \$1370.00.

Allowance of the instant petition and revival of U.S. Patent Application Serial No. 10/730,742 is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No.06-1135.

FITCH, EVEN, TABIN & FLANNERY

By Kenneth H. Samples

Kenneth H. Samples

Reg. No. 25,747,
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Date: 12/8/04

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